

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL LAWRENCE McGARRY,
Plaintiff,
v.
NICK JOHNSON, et al.,
Defendants.

No. 2:23-cv-00102 DJC AC

ORDER

Plaintiff is proceeding in this matter pro se, and this matter was referred to the undersigned pursuant to Local Rule 302(c)(21). On January 17, 2023, plaintiff filed a complaint and a motion to proceed in forma pauperis. ECF No. 2. The undersigned concluded that plaintiff did not qualify for IFP status and ordered plaintiff to pay the filing fee. ECF No. 3. Plaintiff did not timely pay the filing fee. The undersigned then issued Findings and Recommendations suggesting that this case be dismissed for failure to prosecute. ECF No. 4. On February 14, 2023, plaintiff paid the filing fee.

In light of plaintiff's payment, the Findings and Recommendations at ECF No. 4 are hereby VACATED. The Clerk of Court is ORDERED to issue the summons and new civil case documents, and plaintiff shall proceed with service of process.

IT IS SO ORDERED.

DATED: April 20, 2023


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE